

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	
_____)	Judge Patti B. Saris
)	
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, <i>et al.</i>)	
CASE #: 1:03-cv-11226-PBS)	
_____)	

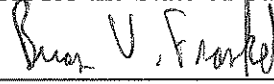
STATE OF CALIFORNIA'S AND RELATOR'S STATUS REPORT AUGUST 1, 2005

The undersigned counsel, on behalf of plaintiffs STATE OF CALIFORNIA ("CALIFORNIA") and Relator, VEN-A-CARE OF THE FLORIDA KEYS, INC. ("VEN-A-CARE" or "RELATOR"), hereby submit the attached Status Report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Respectfully submitted,

BILL LOCKYER
Attorney General for the State of California

Dated: August 1, 2005

By: 
BRIAN V. FRANKEL
CA State Bar No.: 116802
Supervising Deputy Attorney General
Bureau of Medi-Cal Fraud & Elder Abuse
OFFICE OF THE ATTORNEY GENERAL
California Department of Justice
1455 Frazee Road, Suite 315
San Diego, California 92108
Tel: (619) 688-6065
Fax: (619) 688-4200

Attorneys for Plaintiff,
STATE OF CALIFORNIA

THE BREEN LAW FIRM, P.A.

Dated: August 1, 2005

By: /s/ James J. Breen

JAMES J. BREEN

FL Bar No. 297178

5755 No. Point Parkway, Suite 39

Alpharetta, Georgia 30022

Tel: (770) 740-0008

Fax: (770) 740-9109

Attorneys for Relator,

VEN-A-CARE OF THE FLORIDA KEYS, INC.

MDL 1456 Status Report
State of California, *ex rel.* Ven-A-Care v. Abbott Laboratories, *et al.*
Case No.: 1:03-cv-11226-PBS

Complaint-in-Intervention:

Plaintiffs are about to file an amended Complaint-in-Intervention, pursuant to the Federal Rules of Civil Procedure, which will supersede the original Complaint-in-Intervention filed against defendants ABBOTT LABORATORIES, INC., WYETH INC., and WYETH PHARMACEUTICALS, INC. in California State Court on January 7, 2003. At this time, plaintiffs expect the amended Complaint-in-Intervention to be filed sometime within the next month or so.

Anticipated Filings:

The Attorney General of California will file additional motions, under seal, as are necessary to fully and effectively prosecute this case under the California False Claims Act (Cal. Gov't. Code §§ 12650, *et seq.*). In addition, plaintiffs will request a Status Conference and the entry of a Case Management Order by a motion to be filed shortly after the filing of the amended Complaint-in-Intervention.

CERTIFICATE OF SERVICE

I, Brian V. Frankel, hereby certify that on August 1, 2005, I caused a true and correct copy of the foregoing, **STATE OF CALIFORNIA'S AND RELATOR'S STATUS REPORT AUGUST 1, 2005**, to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to Verilaw Technologies (or LexisNexis File & Serve, Verilaw's successor) for posting and notification to all parties.

Dated: August 1, 2005



BRIAN V. FRANKEL
Supervising Deputy Attorney General
Bureau of Medi-Cal Fraud & Elder Abuse
OFFICE OF THE ATTORNEY GENERAL
California Department of Justice
1455 Frazee Road, Suite 315
San Diego, CA 92108
Tel: (619) 688-6065
Fax: (619) 688-4200